



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

January 4, 2024

By ECF

The Honorable Paul A. Engelmayer
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Reclaim the Records v. United States Citizenship and Immigration Services*,
23 Civ. 1997 (PAE)

Dear Judge Engelmayer:

This Office represents United States Citizenship and Immigration Services (“Government”), defendant in this action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). With plaintiffs’ consent, we write respectfully to request a 45-day extension of time to file the Government’s response to the complaint, currently due January 8. If the Court were to grant this request, the Government’s response would be due February 22. The reason for this request is twofold. First, the parties continue to negotiate a possible resolution of the plaintiffs’ “policy and practice” claim, as well as a possible resolution of the processing of the FOIA requests at issue in this action. Additional time is necessary for the parties to determine whether they will be able to resolve these issues, which in turn will help the Government decide how to respond to the complaint, and in particular whether the parties will need to engage in motion practice over the “policy and practice” claim. Second, plaintiffs’ former lead counsel, Katherine Adams, recently withdrew from the case, *see* ECF 24, and their new lead counsel, David Rankin, has indicated that he needs time to familiarize himself with the case.

This is the Government’s eighth request for an extension. The Court granted the prior requests. *See* ECF No. 9, 12, 14, 16, 18, 20, 22, 24. The parties continue to believe that continued negotiation may allow the parties to narrow the issues in dispute. The extension will not delay the processing of plaintiff’s FOIA requests, which is ongoing. Nor will it affect any other scheduled dates.

We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney
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